

National Council on Federal Labor-Management Relations
27th Public Meeting
July 17, 2013

The National Council on Federal Labor-Management Relations held its 27th meeting at the U.S. Department of Justice, Office of Justice Programs, on July 17, 2013. Co-chairing the meeting were Ms. Elaine Kaplan, Acting Director of the Office of Personnel Management (OPM), and Mr. Steven VanRoekel, Chief Information Officer, Office of Management and Budget (OMB). The following Council members also attended the meeting:

Council Member	Title
Ms. Carol Bonosaro	President, Senior Executives Association
Mr. J. David Cox	National President, American Federation of Government Employees
Mr. William Dougan	President, National Federation of Federal Employees
Mr. Ernest DuBester	Chairman, Federal Labor Relations Authority
Mr. Michael Filler	Director of Public Services, International Brotherhood of Teamsters
Mr. David Holway	National President, National Association of Government Employees
Mr. Gregory Junemann	President, International Federation of Professional and Technical Engineers
Ms. Colleen M. Kelley	National President, National Treasury Employees Union
Ms. Patricia Niehaus	National President, Federal Managers Association
Mr. Rafael Torres	Acting Assistant Secretary of the Department of Veterans Affairs, Office of Human Resources and Administration

The following individuals sat in for absent Council members:

- Mr. Rafael Borrás, Under Secretary for Management, Department of Homeland Security, for Mr. Rand Beers, Acting Deputy Secretary for Homeland Security;
- Ms. Robin Heard, Deputy Assistant Secretary for Administration, Department of Agriculture, for Mr. Michael Scuse, Acting Deputy Secretary of Agriculture;
- Mr. T. Michael Kerr, Assistant Secretary for Administration and Management, Department of Labor, for Acting Secretary of Labor Seth Harris;
- Mr. Richard Tarr, Associate General Counsel, Federal Education Association (FEA), for Mr. H.T. Nguyen, FEA Executive Director; and
- Mr. Frederick E. Vollrath, Principal Deputy Assistant Secretary of Defense for Readiness and Force Management, for Mr. Ashton B. Carter, Deputy Secretary of Defense.

The Designated Federal Officer, Mr. Tim Curry, OPM Deputy Associate Director, Partnership and Labor Relations, was present, as were 2 media representatives and 45 other members of the public.

Agenda Item I: Welcome

At 10:00 a.m., Ms. Kaplan began the meeting with, “Welcome to the fourth National Council meeting of 2013. Thank you for your attendance today.”

Ms. Kaplan expressed appreciation to the Department of Justice, Office of Justice Programs (OJP), for hosting the meeting: “We have a great room, and the observation deck is very impressive. On behalf of the entire Council, I want to thank OJP for hosting this meeting and accommodating all of our needs. Thank you to Assistant Attorney General Karol Mason and Director, Office of Administration, Phillip Merkle, for allowing us to use this space today. A special thanks to OJP staff members Ms. Deborah Wachter, Ms. Brandi Howard-Smith, and Mr. Juan Sutton for their terrific assistance on logistics for this meeting.”

Continuing her introductory remarks, Ms. Kaplan introduced her Co-Chair: “With me today is Mr. Steve VanRoekel. Steve is representing OMB today. Steve is the Federal Chief Information Officer, and is also overseeing OMB’s management efforts. Prior to his time at OMB, Steve was the Managing Director of the Federal Communications Commission (FCC). He also spent 15 years at a little company you may have heard of called Microsoft, most recently as a Senior Director. Welcome, Steve.”

Mr. VanRoekel responded, “Thanks. I look forward to working with everyone. I’ve been in the Administration since 2009, and have learned a great deal about helpful polling and reporting mechanisms, including the [Best Places to Work](#) rankings. When I started at the FCC, we were near the bottom in the rankings, and morale was at an all-time low. The labor-management relationship was broken.”

Mr. VanRoekel continued, “We had lots of work to do, and we did it. We did the same thing as is needed in labor-management relationships in the private sector, and applied the same principles. We used a whole-of-department approach, recognizing that the people who are to be around for the long term need to own the labor-management relationship and its results. It’s critical to foster a desire in employees to wake up every day and ask how the workplace can be bettered. One way to do that is by using mechanisms to seek and implement employees’ good ideas.” Mr. VanRoekel said the FCC’s efforts to improve the labor-management relationship and harness the power of employee ideas paid off, and that after a lot of hard work the agency attained “most improved status” in the Best Places to Work rankings. “In the White House now, I proudly display my Best Places to Work plaque.” He concluded his introductory remarks by acknowledging the importance of the Council’s work and saying he was very happy to participate.

Ms. Kaplan thanked Mr. VanRoekel for his remarks, and then announced, “This Council operates as a committee under the Federal Advisory Committee Act or FACA. To facilitate opportunities for those of you who are not Council members to address the Council directly, we have set aside time on the agenda for you to make brief statements to the Council. If you wish to address the Council regarding any topics presented today or any other matter, we request that you wait until the appropriate time on the agenda, when we ask if any member of the public wishes to make any brief statements to the Council.”

Before proceeding with the agenda, Ms. Kaplan informed the Council that the draft minutes of the previous meeting included all of the Council's edits to date, and provided an opportunity for the Council to suggest additional edits. The Council unanimously approved the minutes without further revision, and proceeded with the meeting agenda.

Agenda Item II: District of Columbia National Guard Forum Success

Ms. Kaplan introduced the second agenda item: "Our first topic today concerns a labor-management forum which has made significant improvements in labor-management relations, and we are excited to hear their story. David Holway has the honor of introducing this group."

Mr. Holway introduced the speakers for the presentation: Lieutenant Colonel (LTC) Richard Greenlee, [District of Columbia National Guard](#) (DCNG); Mr. Emell Monlyn, National Association of Government Employees (NAGE) Local R3-86 President; and Mr. Robert Shore, NAGE Federal Division Assistant Regional Counsel. The speakers used a set of slides labeled as a Council document and bearing the DCNG and NAGE seals.

LTC Greenlee began the presentation with an overview of the Army and Air National Guard units protecting the United States and its territories and possessions. He discussed the dual nature of National Guard employees, who typically wear civilian clothing during weekdays, when performing regular work with their unit, while wearing a military uniform on weekends or when activated in response to emergencies. "National Guard members have a civilian career *plus* provide military service to their State and Nation," he explained.

LTC Greenlee followed the general overview of National Guard service with a brief history and background of the DCNG, which President Thomas Jefferson created as the DC Militia in 1802. He said the DCNG has a very proud history, and pointed out that a DC Militia Lieutenant, Francis Scott Key, wrote the National Anthem during the War of 1812. "The DCNG has participated in all the Nation's conflicts from the War of 1812 through Operations Noble Eagle, Iraqi Freedom, Enduring Freedom, and New Dawn. We're the first military responder in Defense Support of Civilian Activities events."

LTC Greenlee gave examples of services the DCNG performs, and events in which it has served, e.g.—

- 2001 post-9/11 Capitol Mission and Combat Air Patrol;
- Snow Emergencies;
- State of the Union Addresses;
- International Monetary Fund/World Bank Protest ;
- Nuclear Security Summit;
- Fourth of July Celebrations on the National Mall;

- Presidential Inaugurations;
- Hurricane Irene/Sandy Support;
- Martin Luther King Memorial Dedication;
- State Funerals; and
- National Security Special Events.

LTC Greenlee added, “We’re also ready at all times, with two alert aircraft sitting at Andrews Air Force Base, to respond to any threats from the sky.”

LTC Greenlee presented the DCNG’s mission statement:

The District of Columbia National Guard is the first military responder in the District of Columbia to defend and support the Nation’s capital, the Nation’s leaders, and residents, workers and visitors to the District by assisting District and Federal agencies in the District of Columbia. The DCNG maintains trained and equipped forces as reserve components of the Air Force and Army uniquely poised to perform sustained ground missions and Federal air missions as directed to defend and protect the homeland. Additionally, DCNG supports Emergency Support Functions requests.

Returning to the dual-status nature of DCNG employees, LTC Greenlee and Mr. Monlyn elaborated on that point and discussed challenges it presents. LTC Greenlee said it was the National Guard Technician Act of 1968 (Public Law 90-486) that created Dual Status Military Technicians. He explained that such employees maintain a military affiliation, and that the purpose is to ensure continuous training, readiness, and operation of Army and Air National Guard units. LTC Greenlee turned the floor over to Mr. Monlyn, who explained how dual status was a major factor in DCNG’s labor-management relationship and in recent work to improve it.

Mr. Monlyn told the Council that the DCNG’s labor-management relationship had recently improved, but previously had significant problems, which often were related to the dual-status nature of Local R3-86 employees. He said, “Our bargaining agreement is now 12 years old,” and added that challenges have often arisen from trying to reconcile the union’s desire to follow and enforce the collective bargaining agreement with management’s need to ensure that military rules and guidelines were followed. He described problems related to dual status, including employee confusion detrimental to mission, but clarified that the problems arose more from communication deficiencies than from the dual status itself.

Mr. Monlyn emphasized the importance of Local R3-86 employees quickly having all of the information needed in emergencies. “The need for a clear and straightforward emergency response and information dissemination system is of utmost importance to the DC National Guard and its employees. The DC National Guard is tasked with protecting the District

during emergency situations, and it is critical that employees can be immediately notified in an emergency, and can properly respond.”

Mr. Monlyn provided bullet points that summarized problems related to dual status, which the DCNG experienced during Hurricane Sandy.

- On October 29, 2012, in response to Hurricane Sandy, OPM announced that the Federal Government was closed due to inclement weather, and that only emergency employees had to report to work;
- After returning to work on October 31, 2012, DCNG issued a number of disciplinary actions to bargaining unit employees for being absent without leave. Several weeks after Hurricane Sandy, some employees also had their pay reduced; and
- There were miscommunications between supervisors and employees, where some supervisors originally granted the employees administrative leave in accordance with OPM guidance, while others were told that the employees had to report due to the emergency. Still other supervisors heard both that employees were granted leave and that employees had to report for duty.

LTC Greenlee and Mr. Monlyn said it was very clear in the aftermath of Hurricane Sandy that much confusion arose from the DCNG’s use of the phrases “emergency” and “essential” employees during the week of the hurricane. While management’s view was that all full-time employees were considered *emergency* employees and not *essential* employees, labor disagreed, and believed that essential employees were to follow OPM’s guidance for such employees. This lack of a common understanding escalated into counterproductive conflict between management and labor. Several individuals sought the assistance of NAGE Local R3-86 to have disciplinary actions imposed by management withdrawn.

LTC Greenlee and Mr. Monlyn summarized steps DCNG management and labor took that improved their relationship and provided for prevention of future confusion about dual status:

- The parties agreed to meet to discuss how to ensure that such miscommunications as experienced during Hurricane Sandy would not recur;
- The parties sat down together to discuss what each side saw as the problems that arose during the Hurricane Sandy response;
- Both sides agreed that methods of communicating with employees were the real problem, and that resolution was critical to ensuring DCNG readiness and efficiency during emergencies.

Mr. Monlyn said, “While many use the term ‘Hurricane Sandy Response,’ I prefer the term ‘Hurricane Sandy Convolution,’ because things at DCNG got really convoluted during Sandy.” He said confusion as to roles and responsibilities began with lack of clarity on such basic issues as, “Do I put on a uniform now, or am I playing my civilian role?”

LTC Greenlee and Mr. Monlyn told the Council that communication opening up between the parties enabled DCNG to identify and remedy problems with the DCNG emergency response system, such as—

- The system conflicting with several articles of the collective bargaining agreement;
- There was no *impact and implementation* bargaining when the system was implemented, so potential misconceptions or miscommunications related to dual status were never addressed/prevented; and
- Lack of alignment between employees' and managers' understanding of roles and responsibilities during emergencies.

Mr. Monlyn said, “We *had* to come to an agreement. We needed a better communication system. Both parties met several times a week.” He said the meetings were very productive, and led to the parties agreeing that a new, clearer means of sending out notices during an emergency was urgently needed. Strategies discussed in the meetings included efficient delivery of text messages and emails, and the discussions led to the labor-management forum contracting for a new interactive warning system. Mr. Monlyn was pleased to report that the new system is operational now, and delivers succinct and timely information by calling the employee’s phone while also sending a text message and/or an email announcing the emergency situation and clarifying what immediate action to take.

Mr. Monlyn continued, “This is intended to be a way to disseminate the proper information to all employees in the event that another disaster occurs. The new system has been used successfully and ensures everyone involved receives accurate information, and that the information sent is timely and communicated to every employee. Most importantly, it ensures that the DCNG is able to respond in an emergency and protect DC citizens.”

LTC Greenlee summed up the progress labor and management made by working together: “Through management and labor working together to solve the problems experienced in the aftermath of Hurricane Sandy, DCNG was able not only to solve real problems that could have hindered protection of DC residents, workers, and visitors, but also to improve the DCNG labor-management relationship by building the trust and improved communication needed to plan and implement the new emergency warning system.”

Mr. Monlyn added, “Today, there is clear communication between the parties. The two sides now talk on a regular basis and are constantly working together to continue to improve their relationship, and to improve the DC National Guard and the work that its employees and the bargaining unit employees of NAGE Local R3-86 perform.” He added that not only does the DCNG have a fully functioning labor-management forum that works to optimize the labor management relationship, but it also has meetings between management and labor outside the forum, several times a week. Mr. Monlyn concluded with, “Communication has definitely improved. I went from livid to almost happy!”

Mr. Shore made brief closing remarks emphasizing the significance of the progress DCNG made in improving communication and information delivery, as well as in the labor-management relationship. He said in closing, "From my perspective as an attorney, and having heard a lot from both parties, I can see the good that came of the work you heard about today. We're very fortunate that labor and management successfully collaborated to address issues before they became serious problems."

Having concluded their presentation, the speakers invited any questions or comments from the Council. Ms. Kaplan commented, "This is not just an example of good labor-management relations, but also shows how cooperation between management and labor can lead to tremendous improvement in service delivery." She then turned to the next agenda item.

Agenda Item III: Report of Problem-Resolution Subcommittee

Ms. Kaplan said Ms. Julie Clark from the Federal Labor Relations Authority (FLRA) would introduce today's problem resolution subcommittee briefing. Ms. Clark turned the floor over to fellow presenters Ms. Temple Wilson, FLRA Senior Attorney Advisor, and Ms. Gina Lightfoot-Walker, NAGE Federal Division Director and Deputy General Counsel. The speakers' presentation was accompanied by slides labeled "Problem Resolution Subcommittee."

Ms. Clark displayed page 2 of the slides, which shows the subcommittee's member agencies, manager associations, unions, the FLRA, and the Federal Mediation and Conciliation Service (FMCS). Ms. Clark said she thought the number of individual members on the subcommittee was now up to about 30, but that the subcommittee would appreciate additional help and gladly welcome new members.

Ms. Wilson briefed the Council on initial results of data collection from the labor-management forum reporting tool which, as discussed in the previous Council meeting, was launched on the FMCS website on May 2, 2013. She said initial results from the tool were tabulated on June 27, 2013, but that the tool is still on the FMCS website and collecting data for a second tabulation.

Ms. Wilson provided a brief summary of initial results from the reporting tool. She said 459 reports were submitted. Regarding the roles of survey respondents as *management*, *labor*, or *other*, she said the tool asked respondents to identify themselves by selecting one of those categories. She reported that 135 respondents identified themselves as labor, 246 as management, and 39 as other, but that the remaining 39 respondents did not choose any of the three categories.

Ms. Wilson said forums reported through the tool that the primary barriers to progress fall into the categories *trust or relationship issues*, *scheduling*, and *communication*. She said data from the tool's *Comments* section consisted mostly of requests for training (often on Executive Order 13522 and predecisional involvement (PDI)), description of trust, relationship, and communication issues, and examples of both successes and failures the forums experienced.

Ms. Wilson identified some limitations in the data collected by the tool so far, e.g.—

- A response rate the subcommittee considers low, since the 459 reports submitted are thought to cover only about 723 of the 2,000 forums, which the subcommittee is addressing by continuing to collect data and planning for a second tabulation;
- The lack of standardization in how respondents identified themselves, which means it will be difficult at times to match up labor and management responses for the same forum without contacting parties for more information; and
- The most significant barriers forums reported may not be easily addressed by the Council (e.g., scheduling).

Ms. Wilson reported some issues for discussion that the Problem Resolution Subcommittee identified in its review and analysis of the initial data set. She said the subcommittee recommends further outreach to boost the response rate, and hopes the Council members can be of help in that regard. She said another significant issue to consider on use of data from the reporting tool is the extent to which the data can be shared with the broader labor-management community. She said the subcommittee realizes forums might benefit greatly from the data, but also sees challenges presented by such sharing, mainly confidentiality issues. She said the subcommittee plans to consider the confidentiality issue carefully as part of its overall efforts to make the most of the tool and its data.

Ms. Lightfoot-Walker provided a progress report on the project to build the online toolkit for forums that was discussed in the previous Council meeting. She said the subcommittee had implemented the suggestion in the previous Council meeting by Deputy Secretary of Veterans Affairs Scott Gould (who retired after the previous Council meeting) to explore using [OMB MAX](#) technology for the toolkit, and that the technology has been adopted. She thanked OMB Deputy Assistant Director for Management Dustin Brown and his staff for providing the subcommittee with training on OMB MAX. She said the subcommittee learned that MAX will be very useful for helping the Council support forums, and that the database management and analytical tools in MAX are very promising.

Ms. Lightfoot-Walker briefly referred in general terms to some information technology challenges the subcommittee is working to overcome, but added that overall the toolkit is coming along fine, and that the plan is to launch it in September 2013. She said development of content/resources for the toolkit is going very well, and that in addition to the broad subject areas *PDI* and *Metrics*, other topics are also being considered, including *best practices*, *trust building*, *success stories*, *frequently asked questions*, and *mythbusters*. She said subgroups were set up to work on major subject areas.

Ms. Lightfoot-Walker elaborated on the subcommittee's work to disseminate PDI information, both through the toolkit and otherwise. She said the Council has already posted a link on its website to a [PDI Quick Tips YouTube video](#). She said, "There's interplay between collective bargaining and PDI, and a subgroup has been formed and is working on

delivering PDI content through the toolkit with that in mind.” She added that the Problem Resolution Subcommittee is well aware that confidentiality concerns are often cited as a barrier to PDI, so a subgroup was formed to develop strategies for addressing that barrier. “We don’t want confidentiality cited any longer as an impediment to PDI.”

In closing, Ms. Lightfoot-Walker said the Problem Resolution Subcommittee agreed on these next steps: working on outreach to forums, continuing development of information resources on key topics, developing an online assistance request form and protocols for handling assistance requests, and working with OPM information technology leadership and staff to launch the toolkit web page by September 2013.

When the speakers concluded their briefing, Ms. Kaplan opened up the floor for questions and comments from the Council. Mr. Torres asked if any data from the reporting tool are available now, and what plans there are for sharing data from the two tabulations with agencies. Regarding the plans for sharing, Ms. Wilson responded that strategies for that are now under development. Responding to the question of what data are available now, Mr. Curry said, “If you want information specific to your agency, we’re happy to get that for you.” Ms. Kaplan then turned to the next agenda item.

Agenda Item IV: Report of Career Development Subcommittee

Mr. David Neun, Education Specialist, American Federation of Government Employees (AFGE), began the Career Development Subcommittee’s presentation. He referred the Council to an OPM document labeled “Governmentwide Mentoring ‘Hub’ Business Case,” and said he sees an opportunity, in the model that paper presents, for the Council to advance its career development efforts. (The document makes the business case for the Government adopting a formal, overarching Governmentwide Mentoring Hub, a structure that would provide resources to facilitate mentoring across Government, e.g. various tools, techniques, tips, and a mechanism to match up individuals for mentoring relationships. The document recommends that OPM partner with the Chief Learning Officers Council and current agency mentoring program coordinators to establish the Mentoring Hub.)

Ms. Linda Datcher, Workforce Development Manager, OPM, said, “I’m responsible for Governmentwide learning and development. I was asked about the mentoring Hub concept about a week ago. We were looking more at working with colleges and universities, but I saw the hub concept as a way of strengthening mentoring across Government.” She then provided a brief overview on the Mentoring Hub concept and progress to date.

Ms. Datcher said the concept of a Governmentwide mentoring structure emerged in 2012 under former OPM Director John Berry, and reported that work to implement such a structure is now well underway: “OPM is now working on implementing the idea of using a hub consisting of tools, best practices, events—really anything to create a Governmentwide mentoring culture. We reached out to existing agency mentoring coordinators, and were able to get 14 agencies to agree to participate in a pilot. The pilot is undergoing review, and is expected to launch this October.” She added that the 14 participating agencies created about

100 pairs of mentoring relationships, and that the mentoring program potentially could provide opportunities for people to change career paths.

Ms. Datcher continued, “Right now, we’re working on a training and orientation program structure. We have already launched the first phase of an occupational mentoring structure, and the major focus is on closing skill gaps in mission critical occupations. The mission critical occupation we began with was human resources.” She said the occupational mentoring program under development consists of several mentoring events and a fireside chat, and that the focus is on problem solving. She clarified, “This is not about solving people’s specific problems; it’s about building problem-solving skills, and mentoring people to solve their own current and future problems.” She reported that a plan is in the works to have a webcast with the major goal of determining whether participants in the mentoring pilot have benefitted from the problem-solving content. “We’re hoping participants have taken useful nuggets from the mentoring sessions and will be able to apply them in real problem-solving situations. We want to see if mentoring really moves the needle on problem solving.”

Mr. Neun said, “I’m interested in exploring what the Council can do to build up the Mentoring Hub. This fits in what the unions have been doing for a long time in working towards knowledge sharing. I see this as an opportunity for the Council to help foster collaboration with our Federal agency partners to expand the Hub program. We think the Council can work with labor-management forums to expand knowledge of mentoring resources and opportunities.”

Mr. Neun said developing good metrics would be very important for identifying both common barriers and best practices. He said in closing, “I think the mentoring approach to problem solving is something the Government wants to pursue.”

Mr. Cox supported the idea of the Council helping to develop Governmentwide mentoring. He said that, from the perspective of a union official, he could see the value in asking how less experienced union officials can become more skillful. “How can they grow? How can they become better players? I believe the battles we face in the future will be some of the toughest we’ve ever seen, and will require creative maneuvering and problem solving. I’m very interested in this. I think there’s something here to grow not only union officials, but also management officials.”

Ms. Kaplan thanked the speakers, and commented, “I know former OPM Director Berry was interested in mentoring. I am somewhat of a cynic, but I was surprised to learn that some of our youngest employees are interested in mentoring. I’m interested in the Council working with labor-management forums on this, and I support the efforts of the subcommittee.” She then turned the floor over to FMCS Director George Cohen.

Mr. Cohen commented, “I just want to emphasize that what we heard about the DC National Guard means everything. There are dysfunctional relationships, and if you identify those, we have a program called Relationship Building, which has been a smashing success. The program can help people conduct themselves with a constructive problem-solving mentality. Regarding mentoring, at FMCS we have a program where young people can work with

mediators for 2-3 years. That has also been a smashing success.” Ms. Kaplan then turned to the next agenda item.

Agenda Item V: New Business

Ms. Kaplan announced that the next Council meeting would be hosted by OPM on September 18, 2013. She asked whether Council members had new business to raise. Hearing none, she opened up the floor for public comment.

Agenda Item VI: Public Submissions/Agenda Item VII: Adjournment

As promised at the beginning of the meeting, Ms. Kaplan provided an opportunity for public comment.

Mr. Monlyn commented, “I want to add to what Mr. Cohen said. FMCS training helped DCNG labor and management tremendously. The labor-management relationship is a two-way street. There has to be give and take in a relationship, and making it work is not always easy.” Addressing Mr. Cohen, Mr. Monlyn said, “I really appreciate what you guys do.”

Mr. Lindon Diaz, Bureau of Justice Statistics, commented that alternative dispute resolution benefits everyone and saves money, and added that work to implement Executive Order 13522 has led to excellent results that need to be maintained. He asked what the Council can do to ensure that what it has built can be maintained in the future, in the face of budget challenges and with the possibility of future leaders not being as committed to partnership. Ms. Kaplan said the best response she could offer is that the reason the Council and forums exist is to do all they can to foster and maintain partnership to help the Government deliver the best service possible. “Our work is to do as much as possible to provide for lasting partnership across agencies.” Mr. Diaz thanked Ms. Kaplan for addressing his question.

There were no more public comments. Ms. Kaplan adjourned the meeting at 11:10 a.m.

CERTIFIED

Elaine Kaplan
Co-Chair

Steven VanRoekel
Acting Co-Chair